

1 E. BRENT BRYSON, LTD.
2 E. BRENT BRYSON, ESQ.
3 Nevada Bar No. 4933
4 3202 W. Charleston Blvd.
5 Las Vegas, Nevada 89102
(702) 364-1234 Telephone
(702) 364- 1442 Facsimile
Ebbesqltd@yahoo.com

6 *Attorney for Plaintiff*

7 **UNITED STATES DISTRICT COURT**

8 **DISTRICT OF NEVADA**

9 JONAS RAND, an individual

Case No.: 2:21-cv-00541-JAD-EJY

10 Plaintiff,

11 vs.

12 NORTH LAS VEGAS POLICE
13 DEPARTMENT; OFFICER DARREN
14 RIGSBY, individually and in his official
15 capacity; OFFICER THATCHER, individually
16 and in his official capacity; DOE OFFICERS I
17 through X inclusive; and ROE OFFICERS XI
through XX, inclusive,

18 Defendants.

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES**

[FIRST REQUEST]

20 Pursuant to LR 6-1 and LR 26-4, Plaintiff JONAS RAND (“Plaintiff”), by and through his
21 counsel of record, E. Brent Bryson, Esq. of the law offices of E. Brent Bryson, Ltd., and
22 Defendants NORTH LAS VEGAS POLICE DEPARTMENT; OFFICER DARREN RIGSBY,
23 individually and in his official capacity; OFFICER THATCHER, individually and in his official
24 capacity (each an “Individual Defendant” and collectively the “Individual Defendants”), by and
25 through their attorney of record, Noel E. Eidsmore, Esq., Chief Deputy Attorney, Civil Division,
26 City of North Las Vegas, Nevada, hereby stipulate to and request that the Court enter the following
27 proposed Joint Discovery Plan and Scheduling Order:

1 **I. DISCOVERY COMPLETED TO DATE**

2 1. On April 2, 2021, the Plaintiff filed his Complaint, ECF No. 1, and Plaintiff's Certificate
3 of Interested Parties, ECF No. 3, was filed on April 6, 2021.

4 2. On June 1, 2021, the Defendants filed their Answer to Plaintiff's Complaint, ECF No. 5,
5 and Defendants' Certificate of Interested Parties, ECF No. 6.

6 3. On August 20, 2021, this Court issued a Minute Order in Chambers, ECF No. 7, that
7 since the Parties failed to file a proposed discovery plan and scheduling order in accordance with
8 United States District Court for the District of Nevada Local Rule 26-1, this Court Ordered the
9 parties to file a proposed discovery plan and scheduling order within 14 days after the filing of
10 this Court's August 20, 2021 Order.

11 As a result of the COVID pandemic and the Parties working from home, the Parties
12 inadvertently failed to timely file a proposed discovery plan and scheduling order. The parties
13 realized they failed to file a discovery plan and were working on a draft of the plan when the
14 Court issued its own plan, ECF No. 8.

15 4. On September 21, 2021, Plaintiff provided his initial disclosure of witnesses and
16 documents pursuant to FRCP 26.1(a)(1).

17 5. On September 22, 2021, Defendants provided their initial disclosure of witnesses and
18 documents, and Privilege Log, pursuant to FRCP 26.1(a)(1).

19 6. On December 20, 2021, Plaintiff provided his disclosure of expert witness and report
20 pursuant to FRCP 26.1(a)(1).

21 **II. WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED**

22 While the parties have exchanged initial disclosures and Plaintiff has provided his expert
23 witness disclosure and report, both parties must still conduct written discovery, provide rebuttal
24 witnesses and conduct depositions. Due to the COVID-19 pandemic and orders of the Governor of
25

1 the State of Nevada, Orders from the Federal Bench District of Nevada, the Eighth Judicial District
2 Court Administrative Orders and administrative orders from individual departments, the discovery
3 process in this case has been slowed despite the best efforts of counsel. Additionally, Counsel for
4 Defendants suffered a shoulder injury which has been ongoing and may require surgery. Last,
5 Counsel for Plaintiff had to quarantine due to family members either testing positive or being
6 exposed to persons who tested positive for COVID on multiple occasions. Mr. Bryson has had to
7 constantly re-adjust his criminal defense trials as a result of the COVID pandemic and conduct
8 criminal trials when the Defendants have invoked their speedy trial right. Thus, it is respectfully
9 requested that the discovery in this matter be continued as a result of extraordinary circumstances.

10

11 **III. REMAINING DISCOVERY**

- 12
- 13 1. The Plaintiff and Defendants need to conduct written discovery requests and provide
14 responses.
- 15 2. The Defendants must disclose their expert and/or rebuttal witness(es).
- 16 3. The Plaintiff and Defendants need to take the depositions of relevant witnesses and
17 experts witnesses.

18 **IV. EXTENSION OR MODIFICATION OF THE DISCOVERY PLAN AND**
19 **SCHEDULING ORDER**

20 LR 26-4 governs modifications of extensions of the Discovery Plan and Scheduling Order.
21 Any stipulation or motion must be made no later than twenty-one (21) days before the expiration
22 of the subject deadline, and comply fully with LR 26-4. The current discovery cut-off deadline is
23 February 16, 2022. This proposed stipulation is within the 21-day window.

24 The Parties respectfully request the Court grant modification of the discovery plan and
25 scheduling order, ECF No. 8, by extending the current deadlines by approximately 120 days due to
26 the following extraordinary unforeseen circumstances:
27

1 A. Defendants' Counsel likely requires surgery or rehabilitative therapy for his
2 shoulder injury;
3 B. Defendants' Counsel's family have had to quarantine on multiple occasions;
4 C. On January 10, 2022, Eighth Judicial District Court Judge Tierra Jones, Department
5 10, emailed that due to the high numbers of transmission of COVID-19 in the Las Vegas Valley
6 and the Courts, her Court is having extreme difficulty in completing long jury trials due to jurors,
7 attorneys, court staff and witnesses contracting the virus and that trials lasting longer than five
8 days be continued, and that the Court will re-evaluate the COVID situation on February 7, 2022;

9
10 D. On January 12, 2022, the Eighth Judicial District Court's Administrative Order 22-
11 02 was filed and reads in pertinent part on Page 3, Lines 8-15:

12
13 “With the recent surge in COVID-19 cases in Clark County, it has become
14 challenging for the Court to complete lengthy jury trials. The disruption of
15 trial raises concerns about potential mistrial, increased costs to litigants,
16 and unnecessary inconvenience to jurors. At the same time, the Court is
17 aware of the importance of continuing to conduct trials when possible.
18 Therefore, jury trials that are expected to take longer than a calendar week
19 are paused for 30 days from the date this order is filed. Jury trial that can
20 be completed within a calendar week should move forward under the
21 COVID-19 Jury Trial Plan and AO 21-09.”

22
23 E. Together this has negatively impacted counsel's calendars for both the Plaintiff and
24 the Defendants by delaying previously calendared jury trials, hearings and meetings. Plaintiff's
25 counsel, Mr. E. Brent Bryson, is a sole practitioner without support of other counsel.

26 Therefore, the parties respectfully request that the modification of the scheduling order be
27 granted.

1 The following is a list of the current discovery deadlines pursuant to this Court's Order,
 2 ECF No. 8, and the parties' proposed 120-day extension of deadlines:

Scheduled Event	Current Deadline	Proposed Deadline
Discovery Cut-Off Date	<i>February 16, 2022</i>	<i>Thursday, June 16, 2022</i>
Amend pleadings and add parties	<i>November 18, 2021</i>	<i>Friday, March 18, 2022</i>
Initial Expert Disclosures Pursuant to FRCP 26(a)(2)	<i>December 20, 2021</i>	<i>Tuesday, April 19, 2022</i>
Rebuttal Expert Disclosures Pursuant to FRCP 26(a)(2)	<i>January 19, 2022</i>	<i>Thursday, May 19, 2022</i>
Dispositive Motions	<i>March 18, 2022</i>	<i>Monday, July 18, 2022</i>
Joint Pretrial Order	<i>April 18, 2022</i>	<i>Tuesday, August 16, 2022</i> <i>(If dispositive motions are filed, the deadline for filing the joint pretrial order will be suspended until 30 days after a decision on the dispositive motions or further court order).</i>

15 This request for extensions of time are not sought for any improper purpose or other
 16 purposes of delay. The COVID-19 pandemic has stalled the parties' attempts to conduct
 17 meaningful discovery in this matter. Nonetheless, the parties have worked diligently at complying
 18 with the deadlines that can be met. This is the first request for an extension of time in this matter.
 19 The parties respectfully submit that the reasons set forth above constitute compelling reasons for
 20 the discovery extension.

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28

1 WHEREFORE, the parties respectfully request that this court extend discovery dates by
2 120 days as outlined in accordance with the table above in Section E.

3 DATED this 31st day of January, 2022.

DATED this 31st day of January, 2022.

4 By: /s/ E. Brent Bryson
5 E. BRENT BRYSON, ESQ.
E. BRENT BRYSON, LTD.
6 Nevada Bar No. 4933
3202 West Charleston Blvd.
7 Las Vegas, NV 89102
Attorney for Plaintiff

By: /s/ Noel E. Eidsmore
NOEL E. EIDSMORE, ESQ.
Nevada Bar No. 7688
Chief Deputy Attorney – Civil
City of North Las Vegas
2250 Las Vegas Blvd. North, #810
Las Vegas, NV 89101
Attorney for Defendants

10 **IT IS SO ORDERED:**

11 DATED this 31st day of January, 2022.

12
13 
14 UNITED STATES MAGISTRATE JUDGE
15
16
17
18
19
20
21
22
23
24
25
26
27
28